

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**SERVICE BY AIR, INC.,**

**Plaintiff,**

**v.**

**PHOENIX CARTAGE AND AIR  
FREIGHT, LLC; PHILIPPE GABAY; and  
RADIANT LOGISTICS, INC.**

**Defendants.**

**No.**

**Judge  
Magistrate**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendants Phoenix Cartage and Air Freight, LLC (“Phoenix Cartage”) and Philippe Gabay (“Gabay”) (collectively, “Phoenix”) request that case number 14 CH 4170, pending the Circuit Court of Cook County, Illinois, County Department, Chancery Division, be removed to the United States District Court for the Northern District of Illinois, Eastern Division, Chicago, Illinois. Removal is proper on the following grounds:

1. On March 13, 2014, Service By Air, Inc. (“SBA”) filed a complaint in the Circuit Court of Cook County, Illinois, County Department, Chancery Division for breach of contract and civil conspiracy against Phoenix and Radiant Logistics, Inc (“Radiant”); for breach of contract related to confidential information against Phoenix; and for tortious interference with contract against Radiant. *See* Complaint and Summons, attached as Exhibit A. SBA claims undisclosed damages in said Complaint and also seeks injunctive relief. *Id.* SBA also filed a motion for temporary restraining order and preliminary injunction, with a supporting

memorandum. *See* Exhibits B and C, respectively. In the motion for injunctive relief, SBA alleges there is no adequate remedy at law.

2. Copies of all process, pleadings and orders which have been served upon Defendants to date in the above-referenced action are also attached hereto.

3. No further proceedings in this matter have taken place in the Circuit Court of Cook County.

4. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1), the plaintiff in this lawsuit are diverse from all defendants and the claims brought by SBA exceeds \$75,000.00, as calculated by the benefit to SBA, which alleges it “stands to lose the very business and goodwill it has worked over forty (40) years to build.” *See* Ex. C, Memorandum in support of Motion, ¶ 9.

5. Diversity jurisdiction exists for the following reasons: SBA is a corporation organized under the laws of New York with its “nerve center” in New York, and is thus a citizen of New York. Phoenix is a limited liability company organized under the laws of Pennsylvania with its “nerve center” located in the State of Washington and its members, Gabay, and his wife, Paige Gabay, reside in Pennsylvania and are Pennsylvania citizens. Phoenix is thus a citizen of Pennsylvania and the State of Washington. Gabay resides in Pennsylvania and is a Pennsylvania citizen. Finally, Radiant is a corporation organized under the laws of Delaware with its “nerve center” in the State of Washington, and is thus a citizen of Delaware and the State of Washington.

6. Phoenix has complied with 28 U.S.C. § 1446(b), (d) by serving written notice of the filing of this Notice of Removal upon all parties and by filing their Notice of Filing Notice of

Removal with the Circuit Court of Cook County, Illinois, County Department, Chancery Division, State of Illinois, within 30 days after receiving SBA Summons and Complaint.

7. All Defendants, including Radiant, agree that this case should be removed to federal court.

8. Copies of this Notice of Removal are being served on SBA and filed with the Circuit Court of Cook County, Illinois, County Department, Chancery Division.

**PHOENIX CARTAGE AND AIR FREIGHT,  
LLC and PHILIPPE GABAY  
Defendants**

By: /s Edward D. Shapiro  
One of Their Attorneys

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